

REMARKS

Claims 1-17 and 19-26 are in this application with claims 1, 2, 6, 7, 12, 14, 17, and 19 having been amended herein. Claim 18 is canceled and new claims 24-26 are added by these amendments. A check in the amount of \$36 is enclosed herewith for the payment of the requisite fee under 37 C.F.R. § 116(c).

The abstract of the disclosure has been objected to because as originally filed it contained in excess of 150 words. In response, a new abstract is submitted herewith. Accordingly, it is requested that the objection to the abstract be withdrawn.

In the office action, the Examiner has rejected claim 12 under 35 U.S.C. § 112 as indefinite. Specifically, the Examiner has states that the phrase “such as” is unclear. In response, claim 12 has been amended to remove the term “such as.” Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112 be withdrawn.

Claims 1, 4, 6, 7, 10, 11, 13, and 17-19 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,966,120 to Arazi. In addition, claims 2, 3, 5, 8, 9, 12, 14, 15, 16, and 20-23 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Arazi in view of one or more of European Patent No. 0854649 to Otake, U.S. Patent Nos. 5,970,249 to Holze, 6,434,653 to Winston, 5,729,549 to Kostreski, 6,005,599 to Asai, 6,701,526 to Trovato, 6,029,045 to Picco et al., 5,886,995 to Arsenault et al., 5,673,401 to Volk, 5,790,935 to Payton, and U.S. Patent Application No. 2002/0016963 to Inoue.

Amended independent claim 1 recites that portions of the broadcast data service are selectively provided “according to selection by the end user.” In contrast, Arazi does not appear to teach selection by the end user. For example, in the case of video-type auxiliary data, Arazi only teaches extracting portions of the auxiliary data appropriate for augmenting the primary

augmenting the primary program such that any "selection" with regard to extracting the data is determined in advance by someone who is not the end user and there is then no free selection available to the end user for actual display of that data, since it is determined by the broadcast primary program.

Further, amended claim 1 now recites that the processor extracts "all portions of the broadcast data service." In this way, by means of the present invention, an up-to-date and complete version of the broadcast data service may always be kept in the local memory, allowing the user free selection of any desired portion. As explained above, Arazi teaches only limited extraction of auxiliary data.

Still further, claim 1 recites a memory for storing "all of the current portions of the broadcast data service." The Examiner has alleged that Figure 4 and column 9, lines 18 to 24 of Arazi teach these features of the present invention. It is respectfully submitted that this allegation is in error. While, as the Examiner alleges, Arazi appears to teach the use of a local auxiliary data storage 440, as explained above, Arazi teaches only that selected portions of the auxiliary data are extracted and transferred to the local auxiliary storage. Therefore, it is respectfully submitted that the local auxiliary data storage 440 of Arazi does not store all of the current portions of the broadcast data service as recited in claim 1 of the instant application.

For example, in the case of video data, as explained in column 9, lines 36 to 39 of Arazi, the extracted auxiliary data remains in the local auxiliary data storage 440 only until they are ready to be combined with a primary encoded video program. Accordingly, there is no teaching of maintaining in memory the extracted portions of auxiliary data after their combination with the primary video program to form the augmented video program.

Further still, amended claim 1 now recites that the selection signal which is provided to the controller is “provided by the end user” and causes a selected portion or portions (having digital audio/video data in non-realtime) to be output from the memory “independently of the broadcast digital television data.” In the office action, the Examiner has referred to column 9, lines 52 to 58 of Arazi as allegedly teaching this feature. Applicant respectfully submits that the Examiner’s allegation is in error. The cited portion of Arazi appears to describe the transfer of data from the local auxiliary data storage 440 to the augmentation multiplexer 630 to combine the auxiliary data with the primary data. A read buffer 610 is used to buffer auxiliary data between the local auxiliary data storage 440 and the augmentation multiplexer 630. Accordingly, it is submitted that the portions of Arazi relied upon by the examiner do not teach a selection signal provided by the end user. The auxiliary read data request signal, as taught by Arazi, is an internal signal causing the receiver storage controller 430 to provide more auxiliary data to the read buffer 610.

For at least these reasons, it is respectfully submitted that claim 1 of the instant application patentably distinguishes over Arazi and is allowable. Further, it is submitted that claims 2-26, which depend from claim 1 are patentably distinguished from Arazi for at least the reasons previously described. The Examiner does not appear to have relied on Otake, Holze, Winston, Kistreski, Asai, Trovato, Picco et al., Arsenault et al., Volk, Payton, or Inoue to overcome the above-described deficiencies of Arazi. Therefore it is requested that the rejections of claims 1-23 under 35 U.S.C. §§ 102 and 103 be withdrawn.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

CONCLUSION

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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